2009 DRAFTING REQUEST

Bill

FE Sent For:

Received	1: 12/12/2008				Received By: tkuczens					
Wanted:	As time perm	its			Identical to LRB: By/Representing: Dave Drafter: tkuczens Addl. Drafters:					
For: Spe	ncer Coggs (6	08) 266-2500								
This file	may be shown	to any legislato	or: NO							
May Con	ntact:									
Subject:		on - school bos is - miscellaneo			Extra Copies: PG					
Submit v	ria email: YES									
Requeste	er's email:	Sen.Coggs	@legis.wisc	onsin.gov						
Carbon c	copy (CC:) to:	tracy.kucz	enski@legis	s.wisconsin.g	gov					
Pre Top	ic:									
No speci	fic pre topic gi	ven								
Topic:			r - Ma							
Use of ra	ace-based name	es, nicknames, l	ogos, and m	ascots						
Instruct	ions:									
See attac	hed									
Drafting	g History:									
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required			
/?	tkuczens 12/15/2008	nnatzke 12/16/2008					S&L			
/1			mduchek 12/17/200)8	sbasford 12/17/2008	cduerst 01/30/2009				

<**END>**

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May Co	ntact:									
Subject		ion - school bo ns - miscellane			Extra Copies:	PG				
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Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required			
/?	tkuczens 12/15/2008	nnatzke 12/16/2008		***************************************			S&L			
/1			mduchek 12/17/20	08	sbasford 12/17/2008					
FE Sent	For:									

<**END>**

2009 DRAFTING REQUEST

Bill

Received: 12/12/2008 Received By: tkuczens

Wanted: As time permits Identical to LRB:

For: Spencer Coggs (608) 266-2500 By/Representing: Dave

This file may be shown to any legislator: **NO**Drafter: **tkuczens**

May Contact: Addl. Drafters:

Subject: Education - school boards Extra Copies: PG

Elections - miscellaneous

Submit via email: YES

Requester's email: Sen.Coggs@legis.wisconsin.gov

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Use of race-based names, nicknames, logos, and mascots

Instructions:

See attached

Drafting History:

<u>Vers.</u> <u>Drafted</u> <u>Reviewed</u> <u>Typed</u> <u>Proofed</u> <u>Submitted</u> <u>Jacketed</u> <u>Required</u>

/? tkuczens / 12/15 W W RS

FE Sent For:

<END>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608–266–0341) Library (608–266–7040)

Legal (608-266-3561)

LRB

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2569-2010 2007-2008 LEGISLATURE

1124/1 LRB-2071/1 TKK:wlj:ff

2007 SENATE BILL 132

in 12/15/08

2009

April 6, 2007 – Introduced by Senators Coggs, Risser, Carpenter and Hansen, cosponsored by Representatives Musser, Boyle, Berceau, Cullen, Fields, Grigsby, Kreuser, Mursau, Nelson, Parisi, Pocan, Schneider, Sheridan, Sinicki, Soletski, Sherman and Shilling. Referred to Committee on Education.

SASAJ X-refy

AN ACT to create 118.134 of the statutes; relating to: the use of ethnic names,

nicknames, logos, and mascots by school boards, granting rule-making authority, and providing a penalty.

3

Analysis by the Legislative Reference Bureau

Current law prohibits discrimination against pupils on a number of grounds, including race and ancestry. This bill provides that a school district resident may object to a school board's use of an ethnic name, nickname, logo, or mascot by filing a complaint with the state superintendent of public instruction. The state superintendent must schedule a hearing on the complaint, at which the school board has the burden of proving by clear and convincing evidence that the use of the ethnic name, nickname, logo, or mascot does not promote discrimination, pupil harassment, or stereotyping. If the state superintendent finds in favor of the complainant, the state superintendent must order the school board to terminate its use of the ethnic name, nickname, logo, or mascot within 12 months after issuance of the order. A school board is subject to a forfeiture of not less than \$100 nor more than \$1,000 for each day that it uses the ethnic name, nickname, logo, or mascot in violation of the order. The decision of the state superintendent is subject to circuit court review.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

OD state and

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SENATE BILL 132

(24)

25

1	SECTION 1. 118.134 of the statutes is created to read:	
(2)	118.134 Ethnic names, nicknames, logos, and mascots. (1)	
(3)	Notwithstanding s. 118.13, a resident of the school district may object to a school	v nervýteževení nitroni
A	board's use of an ethnic name, nickname, logo, or mascot by filing a complaint with	1 district by
5	the state superintendent. The state superintendent shall notify the school board of	
(6)	the receipt of the complaint and schedule a case hearing within 45 days after the	
7	complaint is filed.	
8	(2) At the hearing, the school board has the burden of proving by clear and	
9	convincing evidence that the use of the ethnic name, nickname, logo, or mascot does	
10	not promote discrimination, pupil harassment, or stereotyping, as defined by the	
11	state superintendent by rule.	
12	(3) The state superintendent shall issue a decision and order within 45 days	
13	after the hearing. If the state superintendent finds that the use of the ethnic name,	
14	nickname, logo, or mascot does not promote discrimination, pupil harassment, or	
15	stereotyping, the state superintendent shall dismiss the complaint. If the state	
$\widehat{16}$	superintendent finds that the use of the ethnic name, nickname, logo, or mascot	
17	promotes discrimination, pupil harassment, or stereotyping, the state	
18	superintendent shall order the school board to terminate its use of the ethnic name,	
19	nickname, logo, or mascot within 12 months after issuance of the order. Decisions	
20	of the state superintendent under this subsection are subject to judicial review under	
21	ch. 227.	
22	(4) The state superintendent shall promulgate rules necessary to implement	
23	and administer this section.	

y a race-based

(5) Any school board that uses an ethnic name, nickname, logo, or mascot in

violation of sub. (3) shall forfeit not less than \$100 nor more than \$1,000. Each day

SENATE BILL 132

of use of the ethnic name, nickname, logo, or mascot in violation of sub. (3) constitutes

a separate violation.

3 (END)

Duerst, Christina

From:

de Felice, David Patrick

Sent:

Friday, January 30, 2009 10:38 AM

To:

LRB.Legal

Subject:

Draft Review: LRB 09-1124/1 Topic: Use of race-based names, nicknames, logos,

and mascots

Please Jacket LRB 09-1124/1 for the SENATE.